

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda/Minutes

June 9, 2015

7:00 P.M.

Call to Order – **Council President Garcia-Martinez called the meeting to order at 7:13 p.m.**

Roll Call-

- **Council Members Present:**

- **Council President Isis Garcia-Martinez**
- **Council Vice President Luis Gonzalez**
- **Councilman Jose Caragol**
- **Councilwoman Vivian Casáls-Muñoz**
- **Councilwoman Katharine Cue-Fuente**
- **Councilman Paul Hernandez**
- **Councilwoman Lourdes Lozano**

- **Also present were:**

- **Carlos Hernandez, Mayor**
- **Lorena Bravo, City Attorney**
- **Marbelys Fatjo, City Clerk**

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Councilwoman Katharine Cue-Fuente

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

The meeting guidelines were read into the record by the City Clerk in English and by Maricarmen Lopez, Administrative Aide, Office of the City Clerk, in Spanish.

Presentations:

1. Announcement of Amendments/Corrections to the Agenda –

Items T and 5 have been added to the agenda.

The backup documentation for Item S has been emailed to you and has been placed on the dais for your review.

The applicant of item PZ 1 has asked that the item be postponed until June 23, 2015.

The applicant of FD 1 has advised that he is unable to attend tonight's meeting because he had to work.

A petition in opposition to LU 5 has been emailed to you and placed on dais for your review.

The Shoma homes item will not be heard at this meeting, it is scheduled to be heard by the Planning and Zoning Board on June 10, 2015.

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Motion to Approve the Consent Agenda made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente. Motion passed (7-0).

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on May 26, 2015. (OFFICE OF THE CITY CLERK) **APPROVED (7-0)**
- B. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2015-352, issued to Royal Electrical Supply, Inc., to purchase electrical supplies, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION & MAINTENANCE DEPT.) **APPROVED (7-0)**

- C. Proposed resolution accepting a grant award from the Children's Trust in the amount of \$475,000.00 for after school and summer camp programs for one-year commencing on August 1, 2015 through July 31, 2016, with two consecutive one year renewals, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute a grant agreement in a form acceptable to the City and any other documents in furtherance thereof. (EDUCATION AND COMMUNITY SERVICES) **APPROVED (7-0). RESOLUTION NO. 2015-81**
- D. Report from the Education and Community Services Department that the Blue Foundation Matching Legacy Grant has been awarded to the City of Hialeah, in the amount of \$41,000, to provide the community with education and awareness of healthy eating and active living through the Hialeah Healthy Families initiative. (EDUCATION AND COMMUNITY SERVICES) **APPROVED (7-0)**
- E. Request permission to increase purchase order # 2015-716, issued to Zoll Medical Corporation, sole source vendor, to purchase Auto-Pulse equipment (automatic CPR machine) and medical supplies and accessories for the cardiac monitors, by an additional amount of \$7,000, for a new total cumulative amount not to exceed \$22,000. (FIRE DEPT.) **APPROVED (7-0)**
- F. Request permission to utilize U.S. General Services Administration (GSA) Contract #GS-07F-0113N, and increase purchase order #2015-247, issued to Barnes Group Inc., to purchase hardware supplies, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$45,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- G. Request permission to utilize Miami-Dade County Bid #5745-2/14-2, since it is advantageous to the City, and increase purchase order number 2015-256, issued to Florida Transportation Systems, Inc., to purchase bus parts and accessories for the City's Blue Bird buses, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$70,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- H. Request permission to utilize Miami-Dade County Bid # 5745-2/14-2, since it is advantageous to the City, and increase purchase order # 2015-253, issued to KVP Enterprises Inc., d/b/a Expert Diesel, to purchase engine parts for the City's heavy equipment, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$100,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- I. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with the Town of Medley as a participating municipal police department to provide for the requesting and rendering of assistance for routine and intensive law enforcement situations from the effective date of the agreement through June 30, 2020, a copy of which is attached to the proposed resolution and made a part hereof in substantial form acceptable to the City Attorney as Exhibit "A". (POLICE DEPT.) **APPROVED (7-0). RESOLUTION NO. 2015-82**
- J. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with the City of Miami Springs as a participating

municipal police department to provide for requesting and rendering assistance for routine and intensive law enforcement situations from the effective date of the agreement through June 30, 2020, a copy of which is attached to the proposed resolution and made a part hereof in substantial form acceptable to the City Attorney as Exhibit "A". (POLICE DEPT.) **APPROVED (7-0). RESOLUTION NO. 2015-83**

- K.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Metro Express, Inc., vendor providing the lowest quotation, for area sidewalk restoration from East 8 to 10 Avenue from East 33 to 37 Street (phase 1), in a total cumulative amount not to exceed \$47,007.29. (STREETS DEPT.) **APPROVED (7-0)**
- L.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Metro Express, Inc., vendor providing the lowest quotation, for area sidewalk restoration of West 72 Terrace (phase 2), in a total cumulative amount not to exceed \$17,271.90. (STREETS DEPT.) **APPROVED (7-0)**
- M.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Metro Express, Inc., vendor providing the lowest quotation, for area sidewalk restoration from East 8 to 10 Avenue from East 37 to 41 Street (phase 1), in a total cumulative amount not to exceed \$51,304. (STREETS DEPT.) **APPROVED (7-0)**
- N.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Metro Express, Inc., vendor providing the lowest quotation, for area sidewalk restoration of West 77 Place (phase 2), in a total cumulative amount not to exceed \$8,761.50. (STREETS DEPT.) **APPROVED (7-0)**
- O.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Metro Express, Inc., vendor providing the lowest quotation, for area sidewalk restoration of West 73 Place (phase 2), in a total cumulative amount not to exceed \$18,850.20. (STREETS DEPT.) **APPROVED (7-0)**
- P.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2015-1028, issued to Eureka Farms LLC, for median landscaping, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$95,000. (STREETS DEPT.) **APPROVED (7-0)**
- Q.** Proposed resolution amending City of Hialeah, Fla. Resolution 2015-50 (April 17, 2015) approving the terms of the unsecured promissory note to memorialize the Inter-Agency Fund Loan from the Water and Sewer Division of the Department of Public Works to the Solid Waste Division of the Department of Public Works, in the principal sum of nineteen million dollars (\$19,000,000.00), authorized pursuant to Hialeah, Fla., Resolution 13-129 (December 10, 2013) to rescind the authority to execute the Unsecured Promissory Note granted to Armando Vidal, as Director of Public Works, and further reaffirming the terms of the Unsecured Promissory Note and authorizing the Mayor, and the City Clerk, as attesting witness, to execute the Unsecured Promissory Note, a copy of which is attached hereto and made a part hereof as Exhibit "1", and all

other documents necessary in furtherance hereof. (ADMINISTRATION) **APPROVED (7-0). RESOLUTION NO. 2015-84**

R. Proposed resolution providing annual certification of the City's continued need and necessity for the use of "For-Hire School Vehicles" and "For Hire Vans" pursuant to Hialeah Code § 90-68 and authorizing the License Division to issue business tax receipts in connection therewith. (LAW DEPT.) **APPROVED (7-0). RESOLUTION NO. 2015-85**

S. Approval of global settlement agreement of the lawsuits filed by the Estate of Andrea Castillo and Marco Barrios. (LAW DEPT.) **APPROVED (7-0)**

T. Report of Scrivener's Error – Item P of the City Council Meeting held on May 26, 2015 was approved as Resolution No. 2015-75, with the incorrect fiscal year, 2015-2016. This item has been amended to reflect the correct fiscal year 2014-2015. (GRANTS AND HUMAN SERVICES.) **APPROVED (7-0) CORRECTED RESOLUTION NO. 2015-75**

3. Second reading and public hearing of proposed ordinance opting out of the Early Voting time and location provisions provided by state law, specifically, sections 101.657(1)(a)-(1)(d), Florida Statutes and in lieu thereof, providing early voting at JFK Library for the Primary Election, and in particular, on Monday, October 26, 2015, from 11:00 a.m. to 7:00 p.m., on Tuesday, October 27, 2015, from 7:00 a.m. to 3:00 p.m., on Wednesday, October 28, 2015, from 11:00 a.m. to 7:00 p.m.; on Thursday, October 29, 2015, from 7:00 a.m. to 3:00 p.m.; Friday, October 30, 2015, from 11:00 a.m. to 7:00 p.m., on Saturday, October 31, 2015, from 9:00 a.m. to 4:00 p.m., and on Sunday, November 1, 2015, from 9:00 a.m. to 4:00 p.m.; and providing Early Voting at JFK Library for the General Election, if a General Election is held, and in particular, on Friday, November 13, 2015, from 11:00 a.m. to 7:00 p.m., on Saturday, November 14, 2015, from 9:00 a.m. to 4:00 p.m. and on Sunday, November 15, 2015, from 9:00 a.m. to 4:00 p.m.; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (7-0) ORDINANCE NO. 2015-32.**

Motion to Approve Item 3 made by Councilwoman Cue-Fuente, and seconded by Councilman Hernandez. Motion passed. (7-0)

The City Council approved the item on first reading on May 26, 2015.

4. Board Appointments –

a. Proposed resolution re-appointing **Maria Espinosa** to the Historic Preservation Board of the City of Hialeah for a three (3)-year term ending on June 22, 2018. (MAYOR HERNANDEZ) **APPROVED (7-0) RESOLUTION NO. 2015-86**

Motion to Approve Item 4a made by Councilwoman Cue-Fuente, and seconded by Councilwoman Casáls-Muñoz. Motion passed. (7-0)

- b. Proposed resolution re-appointing **Diego Perez** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2017. (COUNCILWOMAN CUE-FUENTE) **APPROVED (7-0) RESOLUTION NO. 2015-87**

Motion to Approve Item 4b made by Councilwoman Cue-Fuente, and seconded by Council Vice President Gonzalez. Motion passed. (7-0)

- c. Proposed resolution re-appointing **Ovidio J. Perez** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2018. (COUNCILMAN HERNANDEZ) **APPROVED (7-0) RESOLUTION NO. 2015-88**

Motion to Approve Item 4c made by Councilman Hernandez, and seconded by Councilwoman Cue-Fuente. Motion passed. (7-0)

5. Pursuant to Section 2.01 of the City's Charter, Mayor Hernandez appoints Alexis Riveron, subject to civil service rules and regulations, to the position of Building Official. (ADMINISTRATION) **APPROVED (7-0)**

Motion to Approve Item 5 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Gonzalez. Motion passed. (7-0)

6. Unfinished Business – **None**

7. New Business – **None**

8. Comments and Questions –

- **Mayor Hernandez provided an update on information he has received from the State Representatives in regard to the budget, Hialeah Educational Academy and the senior meal plans.**
- **Council Vice President Gonzalez asked the Mayor a question regarding the funds for the Hialeah Educational Academy.**
- **Roxanna Green, 7835 West 18 Lane, asked questions regarding the opening date of the Cultural Park, fence setback measurements on West 76 Street and 16-19 Court, Milander Pool, and criminal activity in the City.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ALL WERE SWORN IN.

REPORT: Council President Garcia-Martinez changed the order of the agenda by having the Council consider the Land Use items prior to the Planning and Zoning items.

ZONING

PZ 1. Recommendation of denial by the Planning and Zoning Board to repeal and rescind Hialeah, FL. Ordinance 79-100 and consider a Variance Permit to allow 48 parking spaces, where 230 parking spaces are required for an existing 46,183 square feet utility equipment building. **Property located at 1245 West 69th Street, Hialeah, zoned C-2 (Liberal Retail Commercial. (Applicant: Leslie A. Lewis, Attorney for AT&T Florida) ITEM WAS POSTPONED UNTIL JUNE 23, 2015.**

Motion to Postpone Item PZ 1 until June 23, 2015 made by Council Vice President Gonzalez, and seconded by Councilman Hernandez. Motion passed. (7-0)

<i>Item was postponed by the City Council on June 9, 2015 until June 23, 2015.</i>

<i>Item was postponed by the City Council on May 26, 2015 until June 9, 2015.</i>

<i>Item was postponed by the City Council on May 12, 2015 until May 26, 2015, per the applicant's request.</i>

<i>Item was postponed by the City Council on April 14, 2015 until May 12, 2015, per the applicant's request.</i>

<i>Item was denied by the Planning and Zoning Board on March 25, 2015.</i>
--

PZ 2. First reading of proposed ordinance rezoning property from R-2 (One and Two family residential district) to R-3 (multiple family district) and granting a variance permit to allow one of six parking spaces to back-out into the street, where back-out into the street parking is only allowed in low density residential districts, to allow a lot coverage of 30.6%, where a maximum of 30% is required, to allow a pervious area of 21%, where a minimum of 30% is required, and to allow a front setback of 14.54 feet, where 25 feet are required, a side setback of 5 feet, where 10 feet are required, a corner side setback of 5 feet, where 15 feet are required and a rear setback of 19.5 feet, where 20 feet are required, contra to Hialeah Code §§ 98-2190, 98-2056(b)(2), 98-2056(b)(1), 98-589, 98-590, and 98-591. **Property located at 130 West 20 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Blanco Family Holdings V LLC) **APPROVED (6-0-1) with Councilwoman Casáls-Muñoz abstaining for voting. Second reading is scheduled for June 23, 2015.**

Motion to Approve Item PZ 2 made by Councilwoman Cue-Fuente, and seconded by Council Vice President Gonzalez. Motion passed. (6-0-1) with Councilwoman Casáls-Muñoz abstaining from voting. Councilwoman Casals-Muñoz has completed Form 8B Memorandum of Voting Conflict and it is on file in the Office of the City Clerk.

Item was approved by the Planning and Zoning Board on May 27, 2015.

FINAL DECISIONS

- FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 15-3 that granted adjustments on condition that all improvements built without the benefit of a building permit be legalized within 180 days on property located at **490 Southeast 3 Street, Hialeah, Florida**; and providing for an effective date. (Applicant: *Juan E. Gil*) **APPROVED (7-0) RESOLUTION NO. 2015-89**

Motion to Approve Item FD 1 made by Council Vice President Gonzalez, and seconded by Councilwoman Cue-Fuente. Motion passed. (7-0).

Item was approved by the Planning and Zoning Board on May 13, 2015.

- FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 15-4 that granted adjustments on condition that the terrace remain an open terrace on all three sides on property located at **1020 West 37 Street, Hialeah, Florida**; and providing for an effective date. (Applicant: *Pedro Rojas*) **APPROVED (7-0) RESOLUTION NO. 2015-90.**

Motion to Approve Item FD 2 made by Councilwoman Cue-Fuente, and seconded by Councilman Hernandez. Motion passed. (7-0).

Item was approved by the Planning and Zoning Board on May 13, 2015.

CITY INITIATED LAND USE AMENDMENTS

- LU 1. Proposed resolution expressing its intent to adopt amendments to its Comprehensive Plan Land Use Map (2003-2015) to designate the boundaries of the new Transit Oriented Development District; and providing for an effective date. **APPROVED (7-0) RESOLUTION NO. 2015-91**

Motion to Approve Item LU 1 made by Council Vice President Gonzalez, and seconded by Councilwoman Cue-Fuente. Motion passed. (7-0).

Item was approved by the Planning and Zoning Board on May 27, 2015.

- LU 2. Proposed resolution expressing its intent to adopt ear-based textual amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015 and in particular, amendments to the future land use element, transportation element, housing element, sanitary sewer element, potable water element, solid waste element, aquifer element, conservation element, recreation and open space element, intergovernmental coordination element, and capital improvements element; and providing for an effective date. **APPROVED (7-0) RESOLUTION NO. 2015-92**

Motion to Approve Item LU 2 made by Council Vice President Gonzalez, and seconded by Councilwoman Cue-Fuente. Motion passed. (7-0).

Item was approved by the Planning and Zoning Board on May 27, 2015.

- LU 3. Proposed resolution expressing its intent to adopt the City of Hialeah 20-year water supply facilities work plan update and related text amendments to the potable water element, conservation element, intergovernmental coordination element and capital improvement element of the Hialeah, Fla., Comprehensive Plan (2003-2015); and providing for an effective date. **APPROVED (7-0) RESOLUTION NO. 2015-93**

Motion to Approve Item LU 3 made by Council Vice President Gonzalez, and seconded by Councilwoman Cue-Fuente. Motion passed. (7-0).

Item was approved by the Planning and Zoning Board on May 27, 2015.

LAND USE AMENDMENTS

- LU 4. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Medium Density Residential to High Density Residential; **property located at 20 East 41 Street, Hialeah, Florida**, zoned R-3-2 (Multiple Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Orlando Rivero*) **APPROVED (7-0) ORDINANCE NO. 2015-33**

REPORT: Ceasar Mestre, 7600 West 20 Avenue, addressed the Council on behalf of the applicant.

REPORT: Roxana Green, 7835 West Lane, addressed the Council, in opposition to the item.

Motion to Approve Item LU 4 made by Councilwoman Cue-Fuente, and seconded by Council Vice President Gonzalez. Motion passed. (7-0).

The Planning and Zoning Board's denial of this item was overridden by the City Council and the item was approved on first reading during the Council Meeting of May 12, 2015.

Item was denied by the Planning and Zoning Board on April 22, 2015.

- LU 5. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to High Density Residential; **property located at 3500 West 9 Avenue, Hialeah, Florida**, zoned R-1 (One-Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Hialeah 10.1 Acres, LLC & Les Chalet Investments, LLC.*) **APPROVED (5-2-0) AS AMENDED - LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL with Councilman Hernandez and Council President Garcia-Martinez voting "No". ORDINANCE NO. 2015-34**

REPORT: Hugo Arza, Esq. addressed the Council on this item, on behalf of the applicant, and introduced into the record a Declaration of Restrictions.

REPORT: Michael Rodriguez, Esq., addressed the Council in opposition to the approval of this item.

REPORT: Agustin Gonzalez, 902 West 37 Street, addressed the Council in opposition to the approval of this item.

REPORT: Tania Garcia, 3530 West 10 Avenue, addressed the Council in opposition to the approval of this item and had a power point presentation displayed, which was made a part of the record.

REPORT: Pedro Romero, 861 West 35 Street, addressed the Council in opposition to the approval of this item.

REPORT: Victor Gamez, 1030 West 35 Street, addressed the Council in opposition to the approval of this item.

Motion to Approve Item LU 5 made by Council Vice President Gonzalez, and seconded by Councilwoman Cue-Fuente. Motion passed. (5-2-0) with Councilman Hernandez and Council President Garcia-Martinez voting “No”.

The Planning and Zoning Board’s denial of the item was overridden by the City Council and the item was approved on first reading during the Council Meeting of May 12, 2015.

Item was denied by the Planning and Zoning Board on April 22, 2015.

NEXT CITY COUNCIL MEETING: Tuesday, June 23, 2015 at 7:00 P.M.

REPORT: The meeting was adjourned by Council President Garcia-Martinez at 8:15 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 25, 2015 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor’s signature is withheld or if the City Council overrides the Mayor’s veto. If the Mayor’s veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).